

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
CATHY L. WALDOR
UNITED STATES MAGISTRATE JUDGE

MARTIN LUTHER KING COURTHOUSE
50 WALNUT ST.
ROOM 4040
NEWARK, NJ 07101
973-776-7862

LETTER ORDER

Re: *AdvanSix Inc. v. Allianz Global Risks US Ins. Co., et al.*
Civil Action No. 2:21-cv-07962-MEF-CLW

Counsel:

This Letter Order shall address the parties' recent correspondence regarding various discovery disputes (ECF No. 220, 231, 233; 9/18/23 letter from Thomas F. Falkenberg). The first issue concerns the deposition of Robert Vanderbeek, who has been disclosed as an expert and produced an expert report in the related PES coverage litigation. The Court recently ruled that "Mr. Vanderbeek will be deposed to determine whether or not there are any changes, deviations or additions to his prior expert report in a related case." ECF No. 211. The parties now request that they each be entitled to depose Mr. Vanderbeek for seven hours. Mr. Vanderbeek has agreed to sit for one seven-hour deposition.

The Court recognizes the parties' concerns but finds that they have not, on the present record, demonstrated the need for two separate seven-hour depositions. *Cf.* FED. R. CIV. P. 30(d)(1) ("Unless otherwise stipulated or ordered by the court, a deposition is limited to 1 day of 7 hours. The court must allow additional time . . . *if needed to fairly examine the deponent* . . .") (emphasis added). Accordingly, Mr. Vanderbeek is directed at this time to appear for one seven-hour examination. AdvanSix shall be entitled to five (5) hours of questioning and Defendants to two (2) hours. The parties' request for additional time is denied without prejudice to renewal, if necessary, after such examination. *See, e.g., Troie v. Bottling Grp, LLC*, 2016 U.S. Dist. LEXIS 58955, at *5 (E.D. Ca. Apr. 28, 2016) ("At least at this time, defendant has not shown why a variance from the Federal Rules of Civil Procedure['s seven-hour limit] is necessary. . . . Therefore, defendant's request is denied, but without prejudice to its renewal if the one day of deposition testimony proves insufficient.").

As to the parties' disputes over Defendants' rebuttal experts, the above-referenced order also provided that "[f]urther disputes will be in person wherein parties will meet and confer in the jury room until disputes are fully resolved." *See* ECF No. 211. Accordingly, the parties are directed to appear before the undersigned on October 25, 2023 at 12:00 p.m. to resolve any remaining disputes concerning Defendants' rebuttal experts.

The parties are directed to promptly transmit a copy of this Order to Mr. Falkenberg.

Dated: October 10, 2023

s/ Cathy L. Waldor
Cathy L. Waldor, U.S.M.J.